

FAIR HOUSING RIGHTS

*For tenants facing inspection
by code enforcement*

The Fair Housing Act applies to tenants renting units from public and private landlords. Both Federal and Florida Law make it illegal for a landlord or governmental entity to treat tenants differently based on race, sex, color, disability, religion, national origin, and familial status (families with children). Additionally, Palm Beach County prohibits discrimination based on sexual orientation, age, and marital status.

- Recent code enforcement based evictions in Palm Beach County have forced tenants to evacuate their homes with very little notice due to conditions of their rental units. Although some conditions are the landlord's responsibility to fix (for example, exposed wiring, severe plumbing problems, inoperable smoke detectors, or improper railings in common areas like hallways or near stairs), a tenant may have a duty to prevent conditions that may violate the city's housing code (such as overcrowding, use of propane tanks, or storage of gasoline indoors).
- Code enforcement officers have duty to enforce ordinances that protect the health and safety of residents. When a code enforcement officer requests to enter your residence, you may ask to see the officer's identification and request the reason for their visit to your home. They should provide you with a reason for why they would like to enter your home. **The code enforcement officer should not enter your home without your permission. Please note that the code enforcement officer may seek an inspection warrant or similar document to gain access to the interior of your home at a later date.**
- When a code enforcement officer inspects your home, he or she will be looking for violations of the housing code. If the inspector finds a violation, you will be provided with a notice of the alleged violations. This notice should state your responsibility to correct the alleged violations and the timeframe to comply with the notice. You should make the necessary repairs as required under the notice. If you are unsure what the notice states or have difficulty determining how to comply with the notice, you may need to seek clarification from the code enforcement department or contact an attorney.
- You have the ***right to appeal a notice of violation*** with your city's code enforcement board. You should refer to your notice of violation regarding your right to appeal or if compliance will cause you financial or other hardship. It is important that you follow the instructions regarding your right to appeal. If you fail to follow the

instructions regarding the process to appeal your notice of violation, your right to appeal may be affected.

- If the code enforcement officer finds that the alleged violation is a **serious harm** to you or other residents in the building, the officer may choose to **evacuate** the building. The officer should clearly identify the health or safety hazard to you and place a notice stating that the building or rental unit has been condemned due to a serious health or safety hazard. The notice should be placed in a visible place. **In the event that the building is evacuated, you should be given a reasonable timeframe to remove as many of your personal belongings as you can in the timeframe allotted.**
- If you are *disabled* and need assistance removing your personal belongings during an evacuation, you should request a **reasonable accommodation of your disability** immediately from a code enforcement or police officer.
- Under the Fair Housing Act, code enforcement can not selectively enforce housing codes on you because of your race, sex, color, disability, religion, national origin, familial status, sexual orientation, age, or marital status.
- **Below are some examples that may constitute selective enforcement by Code Enforcement:**
 - A Code Enforcement agency can not enforce the housing code on Hispanic or African American tenants only. ***Code Enforcement policies must be uniformly applied to all residents on a consistent basis.***
 - Limiting the number of family members that may live in a residential unit based on a restrictive definition of family or other standard that places burdensome restrictions on families.
 - Giving advance notice of evacuation to residents based on their race, sex, color, disability, religion, national origin, familial status, sexual orientation, age, or marital status members.
- If you feel that you are being targeted or treated unfairly by Code Enforcement because of your race, sex, color, disability, religion, national origin, familial status, sexual orientation, age, or marital status by a code enforcement officer or landlord, you may contact the Legal Aid Society of Palm Beach County at 561-655-8944 to discuss your rights.

